



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA EMAIL AND OVERNIGHT DELIVERY

February 17, 2012

Jason Hutt, Esquire
Bracewell & Guiliani LLP
2000 K Street NW
Washington, DC 20006-1872

**Re: Follow-up to EPA's January 6, 2012 Required Submission Of Information
Dimock Residential Groundwater Site**

Dear Mr. Hutt:

As you know, EPA issued a Required Submission of Information pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e)(2), to your client, Cabot Oil & Gas Corporation ("Cabot"), on January 6, 2012, concerning the Dimock Residential Groundwater Site ("Site"). We have received and are continuing to review the information submitted on Cabot's behalf in response to EPA's letter, under cover letters dated January 9, 10, 11, 12, and 13, and February 3 and 10, 2012. EPA acknowledges the large volume of information submitted by Cabot to date. However, based on our ongoing review, it appears to EPA that despite the more than one hundred thousand pages of documents received, important information has not yet been submitted by Cabot. Accordingly, Cabot's submissions do not constitute an adequate response to EPA's January 6, 2012 letter for the following reasons:

1. EPA requested identification of ***"all ground water and surface water sampling (including sampling of potable or potentially potable water supplies) performed by Cabot at the Site, including all pre-drilling sampling and surveys,"*** and ***"the physical location of all sampling performed, including the latitude and longitudinal coordinates for each sample taken."*** The ground water and surface water sampling data submitted by Cabot, to date, appear limited to 2010 and 2011 sampling events, although Cabot apparently has collected samples at the Site since at least 2008. In addition, although many analytical reports have been submitted, some with multiple copies, the required physical locations of sampling points have not been provided to EPA. For just one of many such examples, see the enclosed page (Bates Number "Cabot-EPA 031218"), which provides a sample summary with the identifiers used in the report. EPA found no corresponding physical locations for these sample locations in Cabot's submission; this information obviously is needed for accurate review of the data. Thus, in particular, Cabot is required to provide its pre-drilling and 2008-2010 sampling data performed at the Site, and information with the physical locations of all samples (street address and/or latitude and longitudinal coordinate), or an appropriate reason explaining why such information

will not be submitted.

2. EPA requested that laboratory data be submitted in a usable electronic format. Specifically, EPA's instruction provided that ***"[f]or laboratory data, please submit electronic data deliverables (EDD). The files on a CD or similar media storage device should be in a form that allows EPA to readily retrieve and utilize the information using commercially available software. If any information is contained in proprietary software, or any other format that is not easily understood, you must provide an easily understood format and include appropriate explanatory information to allow interpretation of the information."*** I reiterated this request via email on January 31, 2012, and understood that Cabot would provide its information in EDD format. Although a few Excel files were provided with your February 10 submission, the submitted information appears, again, limited to some sampling events from 2010 and later. Thus, Cabot is required to provide all of its sampling data in EDD format, or an appropriate reason explaining why such information will not be submitted.

3. EPA specified that ***"[i]f, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what you did not provide, and (2) provide an appropriate reason why you did not provide the information."*** Despite my requests, EPA has not received a detailed statement of the information that remains to be submitted by Cabot and/or a schedule by which such information will be submitted. Thus, Cabot is required to provide either a complete response to EPA's January 6 letter, or a specific description of the information that is not provided and an appropriate reason explaining why it will not be submitted.

4. EPA specified that ***"[a]ll submissions provided pursuant to this request shall be signed and dated by a responsible Cabot official"*** with language certifying that the information is true, accurate and complete. EPA had agreed to a modification of the certification language, which Cabot provided for its January submissions, however, Cabot's February 3 and 10 submissions have not included the requisite certification. Cabot is required to submit a certification covering its February 3 and 10 submissions, and to certify any and all further submissions.

As indicated in EPA's January 6 letter, compliance with this Required Submission of Information is mandatory. EPA requires submission of all the information identified in EPA's January 6 letter, in order to fully evaluate the situation in Dimock, Pennsylvania. Cabot must respond to the above-noted deficiencies, or adequately justify its failure to respond, within seven (7) calendar days of your receipt of this letter. This seven day period, however, is not to be construed as an extension of the original deadline and does not excuse any violation for failure to respond to the initial letter. Under Section 104 of CERCLA, EPA may pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may be the basis for criminal penalties under 18 U.S.C. § 1001.

In closing, EPA has committed to carefully considering existing Site information, along with the results of our own sampling, in determining possible next steps at the Site. Although

Cabot has publicly stated that it desires to work cooperatively and constructively with EPA and that EPA should objectively review existing data, EPA is concerned that Cabot has not provided us with complete, available information in a readily usable format. This is hindering EPA's review of the existing Site data, and may decrease the potential for a constructive and timely dialogue. We look forward to receiving additional information from you, and to discussing the status of Cabot's response at our meeting next week on February 22.

If you have any questions concerning the above, please contact me at (215) 814-3454.

Sincerely,



Humane L. Zia
Senior Assistant Regional Counsel

Enclosure

cc (by email): Ronald J. Borsellino, Director EPA HSCD
Amy Barrette, Fulbright & Jaworski LLP
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